

[COUNSEL LISTED ON NEXT PAGE]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SEAN GUESS, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

US BANCORP; US BANCORP
INVESTMENTS; U.S. BANK N.A.; U.S.
BANK d/b/a U.S. BANK HOME
MORTGAGE; and DOES 1-50,

Defendants.

Case No. C06-07535 – JF

The Honorable Jeremy Fogel

**STIPULATION AND [PROPOSED]
ORDER**

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Attorneys for Defendants
US BANCORP, US BANCORP
INVESTMENTS, U.S. BANK N.A., U.S. BANK

1 WHEREAS on March 19, 2008, the Court entered the parties' Stipulation and Proposed
2 Order setting forth a briefing schedule for Plaintiff's Renewed Motion for Conditional Class
3 Certification and Court Authorized Notice Pursuant to U.S.C. § 216(b);

4 WHEREAS on April 30, 2008, Plaintiff filed his Renewed Motion for Conditional Class
5 Certification and Court Authorized Notice Pursuant to U.S.C. § 216(b);

6 WHEREAS on May 30, 2008, Defendant filed its brief in Opposition to Plaintiff's Renewed
7 Motion for Conditional Class Certification;

8 WHEREAS the parties continue to meet and confer regarding certain discovery disputes;

9 WHEREAS Plaintiff's counsel requested additional time to file Plaintiff's Reply due to a
10 medical emergency and other personal concerns of Plaintiff's counsel;

11 WHEREAS the parties agree that Plaintiff may have an additional two weeks to submit his
12 Reply; and

13 WHEREAS the relief sought in this Stipulation will not affect the hearing date currently
14 scheduled for July 18, 2008 (unless the Court would prefer to move it);

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1 The parties hereby STIPULATE and agree as follows:

2 Plaintiff will file his Reply in support of his Renewed Motion for Conditional Class
3 Certification and Court Authorized Notice Pursuant to U.S.C. § 216(b) no later than June 30, 2008.

4 DATED: June 9, 2008

SCHIFFRIN BARROWAY TOPAZ
& KESSLER, LLP

6 By: /s/

7 Alan R. Plutzik
8 L. Timothy Fisher
9 Joseph H. Meltzer
10 Gerald D. Wells, III
11 Katherine B. Bornstein
12 Robert J. Gray

Attorneys for Plaintiff SEAN GUESS

13 WINSTON & STRAWN LLP

14 By: /s/

15 Joan B. Tucker Fife

16 Attorneys for Defendants
17 US BANCORP, US BANCORP
18 INVESTMENTS, U.S. BANK N.A., U.S. BANK

19 I hereby attest that the concurrence in the filing of this document has been obtained by the above
20 signatory indicated on the conformed signature (/s/) within this efiled document.

21 /s/ Joan B. Tucker Fife

22 Joan B. Tucker Fife

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24 IT IS SO ORDERED, this 12 day of June, 2008.

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26 The Honorable Jeremy Fogel
27 United States District Court Judge
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